



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

TOWN OF STANLEY

(VPDES Permit No. VA0064394)

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d), between the State Water Control Board and the Town of Stanley, for the purpose of resolving certain violations of environmental laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "STP" means sewage treatment plant.

7. "Stanley" and "Town" means Town of Stanley, which owns and operates the Stanley STP.
8. "Facility" and "Plant" mean the Stanley STP located in Shenandoah County, Virginia.
9. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
10. "Permit" means Virginia Pollutant Discharge Elimination System Permit No. VA0064394, which became effective September 30, 2001 and expires September 30, 2006. Permit limits include pH, biochemical oxygen demand ["BOD"], total suspended solids ["TSS"], and fecal coliform.
11. "NOV" means Notice of Violation.
12. "Regulation" means the VPDES Permit Regulation 9 VAC 25-31-10 et seq.
13. "MGD" means million gallons per day.
14. "PER" means preliminary engineering report.
15. "I&I" means infiltration and inflow.
16. "SMP" means sludge management plan.
17. "O&M" means operations and maintenance.
18. "CTO" means certificate to operate.
19. "UV" means ultraviolet.

SECTION C: Findings of Fact and Conclusions of Law

1. The Town of Stanley owns and operates the STP serving the Town of Stanley in Page County, Virginia, which is the subject of VPDES Permit No. VA0064394. The Facility discharges treated wastewater to the South Fork Shenandoah River, in the Shenandoah River subbasin and the Potomac River basin.
2. Presently, the Town is under a Consent Order which became effective April 8, 2002 ("2002 Order"), to address BOD effluent limitation violations, failure to correct laboratory inspection deficiencies, discharges not in conformance with the Permit/unusual discharge to State Waters, and General Water Quality Standard violations (discharge of solids to the receiving stream causing a sludge blanket). The 2002 Order required certain upgrades to the Facility to improve the treatment performance to

eliminate the discharge of solids during high flow events. The Order also provided a schedule of compliance to address an I&I problem in the collection system.

3. The Town has completed the Facility upgrades required by the 2002 Order. However, the Town has not been able to move expeditiously to identify and correct the sources of I&I in its collection system. Although the Town has examined approximately 40 % of the collection system it has not found any significant sources of I&I
4. The design capacity of the Stanley STP has been rated and approved as 0.30 MGD. As of January 2003 the effluent flows from the Facility exceeded design capacity for three consecutive months. During 15 months out of a 24 month period (October 2002 through September 2004), the monthly average flows through the STP have exceeded the Facility's design capacity. The Facility has also experienced maximum daily flows, which have exceeded 1.0 MGD during certain weather conditions. These exceedances of the design capacity appear to coincide with periods of wet weather.
5. By letter dated April 16, 2003, Stanley advised DEQ that the Facility's flows had exceeded the 95% design capacity for three months in a row. Within the April 16, 2003 letter, Stanley indicated that it had contracted an engineering firm to prepare a plan of action to address the problem.
6. The Town's sewage collection system receives excessive I&I which is causing the Facility's design capacity to be exceeded. In addition, these excessive flows have caused problems with the Facility's ability to treat the wastewater and meet permit effluent limitations.
7. DEQ issued Notice of Violation No. W2004-09-V-001 on September 22, 2004, to Stanley for BOD and TSS effluent limitation violations during the months of February, April, May and July 2004. In addition, the NOV cited the Town with failure to provide the annual I&I progress reports in a timely manner which, under the 2002 Order, were due July 1, 2003 and July 1, 2004.
8. The Town's collection system has also experienced 6 overflows during the period February 2003 through September 2004, which have not been cited on any enforcement document.
9. On October 13, 2004, DEQ met with Stanley in informal conference to discuss the NOV and ongoing problems with the effluent limitation violations and design capacity exceedances. The October 13, 2004, meeting included discussions of the corrective actions that the Town had taken to date to address the Facility's problems, the I&I problems and the need for a plan and schedule of additional corrective actions to return the Facility to compliance with effluent limitations.
10. By letter dated November 12, 2004, Stanley submitted to DEQ a written plan and schedule of corrective actions to return the Facility to compliance with the Permit's

requirements. Sections of this plan and schedule have been incorporated into Appendix A of this Order.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. § 62.1-44.15(8a) orders Stanley, and Stanley agrees, to perform the actions described in Appendix A and Appendix B of this Order.
2. This Order cancels and supersedes the 2002 Order

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Stanley, for good cause shown by Stanley, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those violations identified herein, including those matters addressed in the Notice of Violation issued to Stanley by DEQ on September 22, 2004. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Stanley admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Stanley consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Stanley declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Stanley to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the

Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Stanley shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Stanley shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Stanley shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

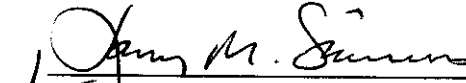
Failure to so notify the Director of the Valley Regional Office within 24 hours of learning of any condition above, which Stanley intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Stanley. Notwithstanding the foregoing, Stanley agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. Stanley petitions the VRO Director to terminate the Order after it has completed all requirements of this Order, and the Regional Director determines that all requirements of the Order have been satisfactorily completed; or
 - b. The Director, his designee, or the Board may terminate this Order in his or its sole discretion upon 30 days written notice to Stanley.Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Stanley from its obligation to comply with any statute, regulation, permit

condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. The undersigned representative of the Town of Stanley certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the Town to this document. Any documents to be submitted pursuant to this Order shall be submitted by a responsible official of the Town of Stanley.
13. By its signature below, the Town of Stanley voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of July 5, 2005.



for Robert G. Burnley, Director
Department of Environmental Quality

The Town of Stanley voluntarily agrees to the issuance of this Order.

By: Tony A Pettit

Title: Town Manager

Date: March 28, 2005

Commonwealth of Virginia

City/County of Page

The foregoing document was signed and acknowledged before me this

28th day of March, 2005, by Elaine Knight,
(name)

who is Assistant Town Manager of the Town of Stanley, on behalf of the Town.
(title)

Elaine Knight
Notary Public

My commission expires: 10/07

**APPENDIX A
SCHEDULE OF COMPLIANCE
TOWN OF STANLEY STP**

Facility Upgrade

1. Stanley shall **continue** conducting final effluent BOD testing 4 days/week with a 24-hour composite sample and final effluent TSS testing 7 days per week with a 24-hour composite sample. The 24-hour composite sampler shall be set to take 24 hourly grab samples that are flow proportioned. Stanley shall record on the Facility's daily log the time(s) and duration of unusual discharge(s) noted by observing the quantity of solids in each discrete sample from the 24-hour composite sample. If a suspected unusual discharge(s) is noted in any discrete hourly samples, Stanley shall first perform a settleable solids test on the hourly sample(s) that show a suspected unusual discharge before conducting a 24-hour composite sample for TSS/BOD. The **volumetric** settleable solids test shall follow the procedures contained in the 18th edition of Standard Methods for Test 2540 F using a graduated cylinder of appropriate size. Stanley shall document and report the milliliters of solids in a liter of effluent. Stanley shall consider any settleable solids test showing a result of 5% by volume solids or greater to be an unusual discharge. Stanley shall report to DEQ any unusual discharges within 24 hours of being noted.
2. **By January 1, 2005** Stanley shall begin to record on the Facility's daily log the visual observations and test results for the discrete sample results for the 24-hour composite samples. Stanley shall submit the daily log with the monthly discharge monitoring report for the Facility.
3. **By January 1, 2005**, Stanley shall set the UV intensity alarm to the manufacturer's recommended setting or greater, and connect the alarm to the Facility's emergency dialer system.
4. **By January 1, 2005**, Stanley shall submit to DEQ for review and approval a PER for the new sludge handling equipment for the Facility. Stanley shall respond to any comments on the PER **within 30 days** of receipt of written comments.
5. **Within 60 days** of the approval of the PER for the sludge handling improvements, Stanley shall submit to DEQ for review and approval the plans and specifications for the new sludge handling equipment for the Facility. Stanley shall respond to comments regarding the plans and specification for the new sludge handling equipment **within 30 days** of receipt of written comments.
6. **Within 30 days** of approval of the plans and specifications for the new sludge handling equipment, Stanley shall begin construction/installation of the new sludge handling equipment.

7. **Within 60 days** of beginning construction of the new sludge handling equipment, Stanley shall complete construction/installation of the new sludge handling equipment. At the same time, Stanley shall also submit to DEQ for review and approval a revised O&M Manual and a revised SMP for the new Facility. Stanley shall respond to comments regarding the O&M Manual and SMP **within 30 days** of receipt of written comments.
8. **Within 30 days** of completing construction of the new sludge handling equipment, Stanley shall request a CTO for the equipment. Stanley shall respond to comments regarding construction deficiencies **within 30 days** of receipt of written comments.

Infiltration and Inflow Control Program

9. **By April 15, 2005**, Stanley shall begin the sewer system evaluation study (SSES) for the sewer shed E and Deerfield Estates sewer shed as described in its letter dated November 12, 2004, which shall include, at minimum, the following:
 - a. A public information program;
 - b. Collection system line integrity testing utilizing TV monitoring and smoke testing;
 - c. Assessment of leakage for all pump stations, manholes and other access points;
 - d. Conducting flow metering during day and night and wet and dry weather conditions;
 - e. Producing a collection system map with pipe sizing, pump stations, manhole locations, and graphic reference points; and
 - f. Data analysis and a project report.
10. **By July 1, 2005**, Stanley shall apply for loan monies to conduct I&I work through the Virginia Clean Water Revolving Loan Fund ("VCWRLF") program. If Stanley desires to move ahead with potentially VCWRLF reimbursable work, Stanley must ensure that VCWRLF procedures are followed and appropriate approvals are obtained as it proceeds with environmental and planning requirements, design, consultant and contractor procurement, and execution of this work.
11. **By July 31, 2005**, Stanley shall complete the SSES work.
12. **By September 15, 2005**, Stanley shall submit to DEQ for review and approval the SSES report describing the work done and its findings. The report shall provide a corrective action plan and schedule of prioritized I&I projects for the sewer sheds E and the Deerfield Estates, which will be performed to remove I&I sources identified in the collection system. Stanley shall respond to comments on the SSES report **within 30 days** of receiving written comments. Upon approval of the plan and schedule it shall be incorporated by reference and will become an enforceable part of this Order.
13. **By January 1, 2006**, but in no case later than **60 days** after completing the I&I repair work in sewer sheds E and Deerfield Estates, Stanley shall prepare and submit to DEQ for review and approval an evaluation of the success of the work in reducing I&I. Stanley shall also submit to DEQ for review and approval a corrective action plan and

schedule of additional prioritized I&I projects for the remaining portions of the collection system, which will be performed to identify and remove I&I sources in the collection system. Stanley shall respond to comments on the evaluation report and plan and schedule **within 30 days** of receiving written comments. Upon approval of the plan and schedule it shall be incorporated by reference and will become an enforceable part of this Order.

14. Upon completion of the corrective action plan, Stanley shall so notify DEQ in writing. Stanley shall be deemed to have satisfied the requirements of this Appendix A by documenting that for twelve (12) months following the date of such notice, the Facility did not exceed, on a monthly average, 95 percent of its design flow capacity, that during the same twelve (12) month period the Facility did not violate any Permit effluent limit because of excess influent flow attributable to I&I, and that no sewage overflows occurred in the collection system as a result of I&I.
15. Stanley shall submit quarterly progress reports to DEQ, with the first report being due **January 10, 2005**. Subsequent Progress Reports will be due by **April 10, July 10, October 10, and January 10** along with the Facility's Discharge Monitoring Report until the cancellation of the Order. The quarterly progress reports shall contain:
 - a. a summary of all work completed since the previous progress report in accordance with this Order;
 - b. a projection of the work to be completed during the upcoming quarter in accordance with this Order; and
 - c. a statement regarding any anticipated problems in complying with this Order.
16. No later than **14 days** following a date identified in the above schedule of compliance Stanley shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

APPENDIX B: INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the date of entry of this Consent Special Order and lasting for a period of **one (1) year**, Stanley shall limit and monitor the discharge from outfall 001 in accordance with the Permit except as specified below.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>			
	<u>Monthly Average</u> mg/l	<u>kg/d</u>	<u>Weekly Average</u> mg/l	<u>kg/d</u>	<u>Min.</u>	<u>Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
BOD ₅	30	36	45	56	NA	NA	4 D/W	8HC
TSS	30	41	NL	NL	NA	NA	7 D/W	8HC

NA = Not Applicable
NL = No Limit